

Seniority Assignments (SA) for DAI Correctional Lieutenants and Sergeants

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This procedure is not to be altered or revised without prior approval of the California Department of Corrections and Rehabilitation (CDCR) Secretary.

A. Methods

1. There shall be Sixty percent (60%) of the qualifying Correctional Sergeant and Correctional Lieutenant post assignments at each CDCR Institution assigned by seniority. The Seniority Assignments (SA) will be distributed among the watches and Regular Days Off (RDOs) in the same proportion as their percentage of the total number of assignments. The break point will be .6 of the total number of qualifying assignments. For example: Thirty two (32) assignments (60%= 19.2; 40%=12.8), Therefore, thirteen (13) will be management assignments; nineteen (19) jobs will be SA.

60/40 Split: Sixty percent (60%) represents the percentage of assignments that shall be available for SA. Forty percent (40%) represents the percentage of management assignments that shall not be subject to SA.

The representative number of SAs at each institution will be determined by preparing a calculation of the entire number of Correctional Sergeant and Correctional Lieutenant assignments listed on the Post Assignment Schedules (PAS) and Master Assignment Rosters (MAR).

Due to the limited number of assignments available for Correctional Lieutenants, assignments will be grouped into Premium RDOs and Non-Premium RDOs. For the purpose of this process, Premium RDOs will be Friday/Saturday, Saturday/Sunday and Sunday/Monday RDOs (with or without holidays) will be considered equal for the purpose of calculation of the 60/40 split.

Upon completion of the 60/40 split, reconciliation shall be completed to ensure the institution's overall representation is within plus or minus one (1) position. An "equitable distribution" is as close to a 60/40 representation in each of these areas, in keeping with operational needs.

2. Time for Implementation

All institutions will implement a continuous SA process as outlined in subsection E. (CONTINUOUS/CONDITIONAL SA PROCESS)

- a. New implementation will follow the implementation time lines set forth

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in this procedure. However, if the implementation dates change, the time-frames will continue to be adhered to.

- b. All institutions shall conduct a SA to incorporate changes of this procedure.
- c. Implementation for new institutions: Within 18 months of activation (receipt of inmates) all new institutions will begin the implementation process for SA.
- d. In each instance, the SA will occur 60 days ahead of rank and file. Correctional Sergeants' SA results will be published at least seven (7) calendar days prior to rank and file bid process. The Correctional Lieutenants' SA results will be published at least seven (7) calendar days prior to the Sergeants' SA process.

3. Definitions

- a. SA Period: Correctional Lieutenants and Correctional Sergeants may participate in the SA process as otherwise described in this procedure during the SA period. Each "SA period" shall be three calendar years.
- b. Realignment of Assignments: A Realignment of Assignments process will be used at the outset of each new SA period. A determination will be made by the Hiring Authority or designee and the local supervisory representative(s) about the number and specific assignments, which will be considered eligible for SA.
- c. Assignment: Any authorized post assignment listed on the Master Assignment Roster after it has been reconciled with the Post Assignment Schedule.
- d. The following assignments may be exempted from the SA process, but will be included in the count for the purpose of establishing (60/40) calculations:

In Facility/ Institution

Correctional Lieutenants

- 1. Personnel Assignment Lieutenants
- 2. Investigative Lieutenants

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3. Public Information Officer/Administrative Lieutenants
4. Camp Lieutenants (Camp Institutions Only)

Correctional Sergeants

1. Investigative Sergeants
2. Security Squad Sergeants
3. Armory Sergeants
4. Camp Sergeants (Camp Institutions Only)

The Hiring Authority may substitute alternate positions based on operational needs. At no time will the substitutions exceed the amount of exempt positions identified above.

- e. The following assignments will be exempted from the SA process, and will not be included in the count for the purpose of establishing (60/40) calculations:

Out of Facility/Institution Exemptions

Correctional Lieutenants

Statewide Transportation
Background Investigation Unit
CDCR Headquarters
Camps*

Correctional Sergeants

Statewide Transportation
Background Investigation Unit
CDCR Headquarters
Camps*

Correctional Lieutenants and Correctional Sergeants assigned to all other units outside of prison to include any investigative unit, OIA, DCU, CCF, P&CSD, or SSU.

* Correctional Lieutenants and Correctional Sergeants who are assigned to Non-Institutional Camps but are posted on institutional grounds will fall under criteria (d) above.

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B. Eligibility

1. Participation in the SA process is limited to eligible supervisors. An eligible supervisor:

a. Must be a permanent full-time or limited term Correctional Lieutenant/ Correctional Sergeant who has completed one year in the classification. Probationary supervisors are excluded, unless they have completed one year in the classification as a limited term and there was no break between the limited term and their permanent position.

b. Must be permanently assigned to and working at the institution.

Eligible supervisors may participate only in their institution's SAs. There shall be no inter-institution SAs by personal preference.

Eligible supervisors who laterally transfer will be permitted to participate in the continuous SA process.

c. In order to participate and maintain the rights and privileges defined throughout this procedure, the supervisor must maintain an overall standard performance rating.

(1) Upon activation of a newly established institution, previous year supervisor performance evaluations will not be considered for the purpose of eligibility in the SA process.

d. A supervisor successfully assigned to a SA who does not meet the qualifications (firearms, baton, chemical agents, fence training) for such assignment, must meet all qualifications specified in this procedure, prior to the date of assignment to the SA. If the supervisor is not qualified for the SA on the initial date of assignment, the supervisor will be assigned at management's discretion and allowed to participate in the continuous/conditional SA process. The vacated SA will be subject to the continuous SA process.

(1) Management shall be responsible to ensure that training for all qualifications is available through In-Service Training. Supervisors shall be responsible for scheduling and attendance.

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- (2) If the failure to qualify is based upon unavailability of training, the impacted supervisor will be placed in a post on the same watch, with similar start/stop times. The SA will temporarily revert to management until such time as the individual qualifies and is placed back into the SA.
 - (3) Once the training has been provided, and if the impacted supervisor qualifies, the supervisor shall be placed in the SA. If the supervisor is not successful in qualifying, they shall be assigned at management's discretion. The vacated SA shall be subject to the continuous SA process.
 - (4) In order to be retained in a SA armed post, supervisors must maintain current weapons qualifications. Failure to maintain quarterly qualifications in compliance with departmental policy will result in the supervisor being assigned at management's discretion. Management will endeavor to assign the impacted supervisor into a vacant assignment with substantially similar start/stop times and the same RDOs. An otherwise eligible supervisor may participate in the SA process. Removal of the supervisor does not preclude the supervisor from being subject to other action in accordance with departmental policy.
- e. A Correctional Sergeant or Correctional Lieutenant may be precluded, in writing, from participating in the SA process to specific assignment areas as determined by the Hiring Authority. This preclusion must be based upon:
- (1) A supervisor who has adverse personnel action, which relates to the supervisor's job performance including, but not limited to:
 - (a) Inattentiveness on the job
 - (b) Insubordination
 - (c) Excessive force toward an inmate, ward, or parolee
 - (d) Sick leave abuse
 - (e) Off-duty conduct

If not identified above, the adverse personnel action must have a written direct nexus between misconduct identified in the adverse action and the supervisor's assignment.

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- (2) The adverse personnel action must have occurred twelve (12) calendar months preceding the onset of the SA process (i.e., the third Monday in September).

A supervisor receiving a performance related adverse action that may have a greater impact related to a specific assignment area (Ad Seg, Community Crews, Security Housing Units, entrance gates, etc.), may be excluded by the Hiring Authority from seniority assignment to the specific assignment area for one (1) SA period.

- f. An otherwise eligible supervisor absent from the worksite during the SA process for such reasons as NDI, Workers' Compensation, leave of absence, annual military leave, etc., may participate in the SA process. Supervisors who are successful in obtaining a SA must assume the duties of such assignment within one year of posting of the SA results. Until such time as the supervisor occupies the assignment, it temporarily reverts to the conditional SA process.

In the event the eligible supervisor is unable to assume the duties within one year, the supervisor will be placed in an assignment at management's discretion. Management will endeavor to assign the supervisor into a vacant assignment with substantially similar start/stop times.

- g. Failure of the supervisor to complete a SA will result in placing the supervisor in an assignment, at management's discretion, without regard to watch, RDOs or start/stop times.

C. Implementation

1. Local management will meet with all supervisory organizations to determine the total number of Correctional Lieutenant and Correctional Sergeant assignments available for SA as described on page 1, Methods.

Super Seniority

One Institutional Supervisory Chapter President or designated Institutional Supervisory Officer per supervisory organization shall have super seniority as it pertains to the SA process. Super Seniority shall be applied at each institution for each supervisory organization with impacted members at the institution. The post selection order among the eligible Institutional

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Supervisory Chapter President(s) or designated Institutional Supervisory Officer(s) will be based on seniority. In the event there are requests for the same post, the request will be awarded to the supervisor with the most seniority in class. Should the supervisor no longer be eligible for super seniority, the SA will be placed up for continuous bid.

a. September

- (1) On the first Monday in September the Personnel Assignment Office at each institution will post an updated seniority roster. Supervisors alleging errors in the computation of seniority dates may file a complaint to the Personnel Assignment Lieutenant. If unresolved, the supervisor may submit to the Hiring Authority for second level of review with resolution required within fourteen (14) days of the posting of the seniority roster.

Errors in favor of the supervisor will result in the adjustment of the supervisor's seniority date at their institution.

- (2) The local management/supervisory representatives at each institution shall meet and determine which assignments will be management assignments and which assignments will be SAs. Such determinations will be completed no later than the first Monday in September.
- (3) Only those SAs which cannot be agreed on by the local management/supervisory representatives at each institution will be elevated to the Associate Chief of Labor within fourteen (14) days through the headquarters Labor Relations Branch. The designated executive manager will make the determination on the disputed issue.
- (4) On the second Monday in September, an institutional memorandum will be published by the Personnel Assignment Lieutenant, advising staff of the following:
 - (a) The date SA forms will be made available and the locations where the forms can be obtained.
 - (b) The date SA forms must be returned to the Personnel Assignment Office.

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- (c) Location(s) of SAs open for SA and Master Assignment Rosters will be available for staff review.
 - (d) Supervisors who laterally transfer on or before the first Monday in September will be permitted to participate in the SA.
- (5) On the second Monday in September, the Personnel Assignment Office at each institution will publish a listing of SAs available for SA. This list shall be made available in locations previously specified.
 - (6) On the third Monday of September, SA forms will be made available at locations previously specified. A standardized SA form will be utilized at all locations for selection of SAs.
 - (7) Completed SA forms must be submitted to the Personnel Assignment Office, unless otherwise designated at the local level. These SAs must be submitted on or before close of business on the second Monday of October.
 - (8) At the time the eligible supervisor submits the SA form, it will be date stamped and a copy will be provided to the eligible supervisor for their records. The original will be retained in the Personnel Assignment Office.
 - (9) The watch designation for those SAs with multiple watch reliefs and assignments requiring quarterly weapon qualifications will be noted on the listings of available SAs.
2. Eligible supervisors seniority assignments to a vacation relief (VR) SA shall be assigned as follows:
- a. For the purposes of SA, all vacation relief SAs will be considered a separate standalone group and will be divided consistent with the 60/40 split.
 - (1) The most senior supervisor will be permitted to select the vacation slots quarterly. The second most senior person will be permitted to select vacation slots from those remaining, etc.

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- (2) In the event a vacation is canceled, the SA VR supervisor will replace the supervisor who is substituted for the original occupant.
 - (3) In the event a cancellation is not filled or a vacation slot is not available, the SA VR supervisor will be assigned at management's discretion until the supervisor's next scheduled vacation coverage.
 - (4) Upon request from a supervisory representative, and with consensus from each supervisory group at the institution, the institution may establish a walk-up SA process. If established, any disputes regarding this process must be resolved at the local level.
- b. October
- (1) Beginning the first Monday of October, the Personnel Assignment Office shall have up to twenty-one (21) calendar days to determine the supervisor's placement into the SA of their selection.
- c. November
- (1) No later than the first Monday of November, the Personnel Assignment Office shall publish the listing of supervisors who were successful in their SA. Time period for qualifications for SAs begins as specified in subsection B.1.d.
 - (2) At the time of publishing, a 30 day window will begin to allow for error correction. Supervisors who feel they were placed into a SA in error will have fourteen (14) calendar days to dispute any errors. Management must respond within ten (10) calendar days in writing to accomplish any adjustments necessary.
 - (3) The Personnel Assignment Office shall publish movement sheet(s) reflecting assignment changes. The assignment changes may occur as a single process or as locally agreed, may be phased-in by watch, based upon the following schedule:
 - (a) Second Watch: Published on the third Monday of

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December with an effective date of fourteen (14) calendar days from publication.

- (b) Third Watch: Published on the fourth Monday of December with an effective date of fourteen (14) calendar days from publication.
- (c) First Watch: Published on the first Monday of January with an effective date of fourteen (14) calendar days from publication. Supervisors successful in SA process to a SA must meet qualifications as specified in subsection B.1.d.

D. Job Compatibility

1. In the event that a Correctional Sergeant or Correctional Lieutenant does not demonstrate that they possess the knowledge, skills, aptitude, and/or ability to perform at an acceptable standard in the SA to which the supervisor has been awarded, their immediate supervisor/manager must develop a detailed training plan to insure the Correctional Sergeant or Correctional Lieutenant in question has been afforded the necessary training to perform their duties at an acceptable standard. In the event the Correctional Sergeant or Correctional Lieutenant is still unable to perform their job at an acceptable standard, a job change memorandum documenting the reasons for reassignment and what training steps have been taken to assist the Correctional Sergeant or Correctional Lieutenant in achieving an acceptable job performance, will be prepared by the immediate supervisor/manager and attached to a job change request.

This document must be approved by the supervisor/manager's second line supervisor/manager and section manager prior to being forwarded to the Personnel Assignment Office. The approved job change memorandum shall be maintained by the Personnel Assignment Lieutenant and filed in accordance with existing procedures regarding the archiving of all other job change requests and the Correctional Sergeant or Correctional Lieutenant shall be provided a copy of the job change memorandum. Management may then reassign the Correctional Sergeant or Correctional Lieutenant as follows:

- a. The reassignment must be completed within sixty (60) days of the date the supervisor assumed assignment to the post. The time a supervisor is absent from the post is not counted toward the sixty (60)

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days.

- b. In the event a Correctional Sergeant or Correctional Lieutenant is removed from a SA as a result of job incompatibility, the Hiring Authority will endeavor to place the effected Supervisor in an assignment with the same RDOs, and substantially similar start/stop times.
- c. If the affected supervisor disagrees with the reasons for the removal from the SA, the affected supervisor can grieve the change, within twenty-one (21) calendar days of notification, directly to the Hiring Authority. This excluded grievance must be heard, and a written response provided, by the Hiring Authority within fourteen (14) calendar days. The filing of an excluded grievance shall not postpone any such removal.
- d. This section does NOT apply to those supervisors subject to adverse action or substandard performance appraisals.
- e. This section does not preclude the Correctional Sergeant or Correctional Lieutenant from exercising any appeal rights available to them outside this process.

E. Continuous/Conditional SA Process

1. Continuous SAs

The Continuous SA Process is to allow supervisors to continue to fill vacant SA's, by seniority, once the initial process has been implemented.

2. Conditional SAs

The Conditional SA Process is the process in which SAs are filled on a temporary basis. Once it is determined that a SA will be temporarily vacant for more than thirty (30) calendar days, the SA will be posted for a "Conditional SA". If the SA's absence becomes permanent, the SA will be advertised in the continuous SA process. A supervisor displaced from a conditional SA may participate in the SA process, or will be assigned at management's discretion without regard to watch, RDOs, or start/stop times. The conditional SA will only be in effect until the original SA returns to assume the SA within the following timeframes:

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- a. All vacancies with the exception of Military Leave:

Subject to a one (1) year time limitation before the conditional status of the assignment expires. The Hiring Authority can extend this time on a case-by case basis. If conditional status expires and/or the SA becomes a permanent vacancy, the SA will be subject to the continuous SA process.

- b. Military Leave:

In the event a Correctional Sergeant or Correctional Lieutenant is ordered to active military duty, their SA would not be subject to the one (1) year time limitation period.

3. Continuous/Conditional SA Process

- a. Vacant SAs will be posted on the first Monday of each month. Any eligible supervisor will be allowed to submit a bid for a vacant SA including those already in a SA.
- b. The results of the continuous/conditional SA process will be posted by the fourth Monday of each month. All job changes will have an effective date of the first Monday of the following month.
- c. The initial, continuous, and conditional SA posting "window" will be a minimum of ten (10) calendar days. No SA bids will be accepted after the window closes.
- d. Subsequent to the initial SA, an otherwise eligible supervisor may participate in the continuous/conditional SA process up to five (5) times during the SA period. SAs due to deactivations or changes to an assignment's RDOs or start/stop times shall not count towards this cap. SAs due to removal for cause, job compatibility, performance evaluations or adverse actions shall only be counted against the cap for a maximum of two SAs.

F. Maintenance

After the initial SAs have been made, the following steps will be adhered to regarding maintenance of the process:

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1. If a SA becomes vacant, the SA will be filled through the continuous SA process. In the event it becomes necessary to alter a SA position, Management will discuss these changes in the SA with the Supervisor Representatives at least thirty (30) calendar days before the change takes effect.
2. In the event that a Correctional Sergeant or Correctional Lieutenant is displaced from a SA as a result of a deactivation, the Hiring Authority will endeavor to place the effected Supervisor in an assignment with the same RDOs, if available with similar start/stop times.
3. Upon activation, all activated assignments will be subject to subsection A. METHODS, of this procedure. Newly designated SAs will be subject to the continuous SA process.
4. Upon written request to vacate their SA by a Correctional Sergeant or Correctional Lieutenant management may, at its discretion, approve the Correctional Sergeant or Correctional Lieutenant movement to a management assignment. Such movement will be without regard to watch, RDOs, and/or start/stop times.
5. An eligible supervisor shall be permitted to be reassigned to the same SA. Should the eligible supervisor be successful in their SA attempt, the eligible supervisor will be subject to all provisions of this procedure as if assigned for the first time.
5. A Correctional Sergeant or Correctional Lieutenant shall not be permitted to remain in any SA in a high stress area, commensurate with the provisions outlined in DOM Section 33010.30.2, unless exempted by the Hiring Authority. The supervisor may be reassigned to a SA in a high stress area after one (1) year in a non-high stress assignment.
6. If after the SA process has completed the RDOs and start/stop times attached to an assignment are significantly changed, the affected supervisor may choose to remain in the assignment; and/or participate in the continuous/conditional SA process. Participating in the SA process solely for this reason, will not count against their cap of five (5).
8. An eligible supervisor may not be removed from a SA based upon the issuance of a Letter of Instruction.

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9. An eligible supervisor may be temporarily removed from a SA pending a personnel investigation/EEO investigation; every effort will be made to place the affected supervisor in an assignment with the same RDOs, and substantially similar start/stop times. Once the investigation has been concluded and if the charges have not been substantiated, the supervisor will be returned to their SA. While the supervisor is removed from their SA, the SA will be subject to the conditional SA process.
10. Any SA not assigned during the SA period by an eligible supervisor shall temporarily revert to management, and be subject to the continuous SA process.
11. A Correctional Sergeant or Correctional Lieutenant may participate in the SA process, upon receiving eligible, in accordance with subsection B. ELIGIBILITY, of this procedure.
12. Unless otherwise allowed by this procedure, once a Correctional Sergeant or Correctional Lieutenant has successfully been assigned to a SA, they may only be moved involuntarily for cause. As used in this context, cause is NOT interpreted as adverse in nature or substandard for purposes of a performance appraisal. The Correctional Sergeant or Correctional Lieutenant's supervisor must document and provide the individual with the specific reasons for removing them from the SA. Management will endeavor to place the affected supervisor in an assignment with the same RDOs, and will be placed in a position with-substantially similar start/stop times. The vacated SA will be subject to the continuous SA process.

If the Correctional Sergeant or Correctional Lieutenant disagrees with the reasons for the removal from the SA, the individual can grieve the change, within twenty-one (21) calendar days of notification, directly to the Hiring Authority. This grievance must be heard, and a written response provided, by the Hiring Authority within fourteen (14) calendar days. The grievance shall not postpone any such removal for cause.

13. If a supervisor is to be removed from a SA, as a result of an adverse action, the removal will be upon the effective date of the adverse action related to job performance (upon the conclusion of the *Skelly* hearing process and/or timeframes associated with that process). Such movement will be to the same watch, without regard to RDOs or start/stop times. The impacted supervisor will not be eligible to participate in the SA process for a one (1) year period. The vacated SA will be subject to the conditional SA process until the impacted supervisor has exhausted their due process rights at the

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state personnel board hearing if requested. The Hiring Authority may exclude the supervisor from the SA to a specific assignment area for the remainder of the SA period and subsequent SA period.

14. In reference to subsection B: 1.c., a supervisor may be removed from the SA upon receipt of the final copy of a substandard performance evaluation. Such movement will be to a post with substantially similar start/stop times. The vacated SA will revert to the conditional SA process until they exhaust their excluded employee grievance rights, if filed. The supervisor will not be permitted to participate in the SA process for a one (1) year period.
15. In the event a Correctional Sergeant or Correctional Lieutenant chooses to take an acting or limited term position in a promotional post, the individual's SA will be placed on the conditional SA list the following month and remain conditional until the termination of the acting or limited term position or one (1) year, whichever comes first.

If a supervisor chooses to accept a job change in the same classification, the supervisor's SA will be placed on the continuous SA list the following month.

B. Disputes

All disputes concerning SA issues unresolved at the local level shall be directed to a Committee for resolution, except those sections that have a dispute resolutions process already outlined in the procedure, this will be the final level of review. This Committee shall be comprised of the grievant's respective Associate Director, Managers appointed by the Director of Corrections & Rehabilitation (not to exceed three (3)) and the respective supervisory representatives and/or the grievant (not to exceed three (3)). This committee will meet within thirty (30) days-upon written request to the Associate Chief of Labor by either management, the supervisory representative, or grievant.